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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/008,566	11/08/2001	Pedro A. Reche-Gallardo	DX01341	6688

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EXAMINER

MERTZ, PREMA MARIA

ART UNIT	PAPER NUMBER
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1646

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Election/Restrictions

I.Restrictioin to one of the following inventions is required under 35 U.S.C. 121:

Group 1. Claims 22-23, are drawn to a heterodimeric receptor complex comprising a polypeptide of amino acid sequence of set forth in SEQ ID NO:2 and polypeptide of amino acid sequence of set forth in SEQ ID NO:4, classified in Class 530, subclass 350.

Group 2. Claims 24-26, are drawn to an expression vector and a method of making a heterodimeric complex of the polypeptides of SEQ ID NO:2 and SEQ ID NO:4, classified in Class 435, subclass 69.1.

Group 3. Claims 27-39, are drawn to a method of treatment with an agonist of IL-B50 said agonist comprising a polypeptide as set forth in SEQ ID NO:6, classified in Class 514, subclass 2.

Group 4. Claims 27-37, 40-41, are drawn to a method of treatment with an antagonist of IL-B50 said antagonist comprising an antibody to the polypeptide as set forth in SEQ ID NO:6, classified in Class 424, subclass 139.1.

Group 5. Claims 27-37, 40-41, are drawn to a method of treatment with an antagonist of IL-B50 said antagonist comprising an anti-sense nucleic acid to the sense nucleic acid encoding the polypeptide as set forth in SEQ ID NO:6, classified in Class 514, subclass 44.

Group 6. Claim 42 is drawn to an antibody to a heterodimeric receptor complex comprising a polypeptide of amino acid sequence of set forth in SEQ ID NO:2 and polypeptide of amino acid sequence of set forth in SEQ ID NO:4, classified in Class 530, subclass 387.9.

The inventions are distinct, each from the other because of the following reasons:

Art Unit: 1646

Inventions 1, 2, 6 are independent and distinct, each from the other, because they are products which possess characteristic differences in structure and function and each has an independent utility, that is distinct for each invention which cannot be exchanged. The polynucleotides of invention 2 can be used to make hybridization probes or can be used in gene therapy as well as in the production of the specific proteins of interest. The proteins of invention 1 can be used as probes, or used therapeutically or diagnostically, e.g. in screening. The antibodies of invention 6 can be used to obtain the polynucleotide of Group 2, and can also be used in diagnostics, e.g. as a probe in immunoassays.

Inventions 2 and 1 are related as processes of making and products made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make other and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case each of the proteins can be prepared by materially different processes, such as by chemical synthesis.

Inventions 1-2, 3-5 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

Inventions 6, 3-5 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together, or they have different modes of operation, or they have different functions, or they have different effects. (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together.

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Inventions 3-5 are independent and distinct, each from the other, because the methods are practiced with materially different process steps for materially different purposes and each method requires a non-coextensive search because of different starting materials, process steps and goals.

Having shown that these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and recognized divergent subject matter as defined by MPEP § 808.02, the Examiner has *prima facie* shown a serious burden of search (see MPEP § 803). Therefore, an initial requirement of restriction for examination purposes as indicated is proper.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 C.F.R. 1.143).

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

Advisory Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Prema Mertz whose telephone number is (703) 308-4229. The examiner can normally be reached on Monday-Friday from 7:00AM to 3:30PM (Eastern time).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yvonne Eyler, can be reached on (703) 308-6564.

Official papers filed by fax should be directed to (703) 305-3014 or (703) 308-4242. Faxed draft or informal communications with the examiner should be directed to (703) 746-5300.

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [yvonne.eyler@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark Office on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Prema Mertz
Prema Mertz Ph.D.
Primary Examiner
Art Unit 1646
December 17, 2003